Remarks

The present amendment responds to the Official Action mailed April 8, 2003. The Official Action rejected claims 1-3 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention due to insufficient antecedent basis. Claims 1-3 were also rejected under 35 U.S.C. §103(a) based on Haitsuka et al. U.S. Patent No. 6,366,298 ("Haitsuka") in view of Robinson U.S. Patent No. 5,918,014 ("Robinson"). Dependent claims 4-7 were rejected under 35 U.S.C. §103(a) based on Haitsuka in view of Robinson and further in view of Kunzinger et al. U.S. Patent No. 6,405,222 ("Kunzinger"). These issues are addressed below following a brief discussion of the present invention to provide context.

Claims 2 and 5 have been canceled without prejudice. Claims 1, 3, 4, 6, and 7 have been amended to be more clear and distinct. Claims 8-22 have been added to more completely cover various aspects of the Applicant's invention. Claims 1, 3, 4, and 6-22 are presently pending. No new matter has been added by this Amendment.

The Present Invention

The present invention addresses web content providers needs (1) to measure the effectiveness of their website in order to compete and (2) to focus their content to their subscribers or future subscribers while (3) maintaining the privacy of individuals. As an analogy, Nielson ratings used in the television market enable television networks to measure the popularity of individual shows and in turn the success of the particular network. The Nielson system collects

demographic information and viewing habits of television viewers by requesting viewers to participate. Such requests are typically made through the U.S. postal service.

The Internet market has made various attempts to address the problem of measuring the effectiveness of a website. A typical unsophisticated approach uses the "hit" metric to measure the number of times a website is viewed by a user. A more sophisticated approach uses typical Internet marketing systems which track the behavior of users without their consent to achieve an unrelated objective of focusing advertisements to a user based on tracking the user's patterns of usage of the Internet. These marketing systems typically involve extracting demographic and behavior information from the user without the user's knowledge. The lack of agreement by the user raises privacy issues. Additionally, these marketing systems use the extracted information to transmit focused advertisements to the user. Besides the privacy issues raised, the lack of agreement by the user may affect the user's bandwidth because the user has no control of when data is uploaded to these marketing systems and when advertisements are downloaded to the user.

The present invention relates generally to methods and systems for using a computer to gather information of an end user's visits to web pages and a duration and date of each visit, and then pairing this data with the user's demographic data. Such methods and systems may suitably include the steps of monitoring the web pages the end user visits; recording the duration and date of each visit monitored; saving information recorded in the end user's computer; storing the end user's demographic data in the data processing computer; and uploading stored information upon selective operation by the end user from the end user's computer to the data processing computer.

Section 112, Second Paragraph Rejection of Claims 1-3

The Examiner is thanked for his careful reading of the claims. Claim 1's preamble has now been amended by replacing the phrase "the duration" with the phrase "a duration" in order to provide antecedent basis for the phrase "the duration" found in the body of the claims.

Claim 1 has also been amended to use the Examiner's suggested phrasing "the end user's demographic data."

With respect to claim 3, claim 3 has been amended by replacing the article "the" with the article "a" as the Examiner suggested.

The Art Rejections

All of the art rejections hinge on the application of Haitsuka, Robinson, and Kunzinger. As addressed in greater detail below, these references do not support the Official Action's reading of them and the rejections based thereon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of these references made by the Official Action and respectfully traverses the Official Action's analysis.

Claims 1-3 were rejected under 35 U.S.C. §103(a) based on Haitsuka in view of Robinson. Haitsuka addresses methods and apparatus for monitoring on-line activities of an on-line user in order to display advertisements targeted to the user's on-line activities. Haitsuka, col. 3, lines 1-19. The text at col. 4, lines 42-43 of Haitsuka discloses a monitoring server 130 disposed in a network to perform user activity monitoring along with a client monitoring application 110, as shown in Fig. 3 of Haitsuka, running on a user's machine. Each time the user performs on-line activity, the client monitoring application communicates with the monitoring server. Haitsuka,

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col. 5, lines 44-58. This simultaneous communication between the client monitoring application 110 and the monitoring server 130 during the time the user is on-line results in a degradation of available bandwidth to the user's on-line activity. While the user is on-line, the monitoring server determines which targeted data needs to be sent to the client monitoring application and then transmits this targeted data to the client monitoring application without any authorization by the user. See, Haitsuka, col. 6, lines 62-66.

In contrast to Haitsuka, the present invention addresses gathering information at the user's computer for subsequent reporting to a data processing computer at a time selected by the user. In one aspect, the present invention addresses an advantageous approach to the degradation of user bandwidth problem found in Haitsuka's approach by prompting the user at the expiration of a pre-defined time interval to voluntarily upload the recorded information. Such user control allows the user to postpone any user bandwidth impact resulting from uploading the stored information. Claim 1, as presently amended, reads as follows:

> A method for using a computer to gather information of an end user's visits
> to web pages and a duration of each visit, the method comprising the steps of:
> (a) monitoring the web pages the end user visits;
> (b) recording the duration and date of each visit monitored in said step (a);
> (c) saving information recorded in said step (b) in the end user's computer;
> and
> (d) uploading saved information upon selective operation by the end user
> from the end user's computer to a data processing computer, the information saved
> to the end user's computer in said step (c). (emphasis added)

The Official Action cites col. 5, lines 23 – col.6, line 3 and col. 6, line 34-45 of Haitsuka as standing for the uploading step. However, Haitsuka states at col. 5, lines 44-50 "[e]ach time an individual uses the local device 100 to connect to the data access network 120, the client monitoring application 110 and the monitoring server establish a session. In this session, the

client monitoring application 110 transmits certain information regarding the user of the local device 100 and his use of the local device 100 while connected to the data access network 120." Additionally, Haitsuka at col. 6, lines 42-45 states "[e]ach time the local device 100 connects to the monitoring server 130, the client monitoring application 110 preferably sends data indicating the local device's current geographical location to the monitoring server 130." Accordingly, Haitsuka does not teach and does not suggest uploading information upon a "selective operation by the end user" as claimed in presently amended claim 1. See also claim 8 which requires "requesting the end user to upload the saved information upon expiration of a user defined time interval, the saved information further includes URLs the user has previously visited and the duration of time the user has spent visiting these URLs." See claim 10 which requires "said processor periodically requests the user at the expiration of a predefined time interval to select whether to upload the monitored information to a data processing computer through the Internet". See also claim 16 and 20 which require "said monitored information is received after selectable operation by an end user".

Further, referring to col. 6, lines 18-27 and Fig. 3 of Haitsuka, the information analyzed by Haitsuka's system is used to then send data, in the form of advertisements, to the user according to scheduling constraints. Unlike Haitsuka, the present invention advantageously transmits data in one direction from the user to the data processing computer to assess the effectiveness of websites without subjecting the user to advertisements. Haitsuka does not teach and does not suggest uploading information "without receiving any information from the data processing computer to be displayed to the end user" as claimed in new claim 8. See also claim 17 which requires the data

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system to "only receive[s] monitored information without transmitting any information which would be displayed to an end user."

Further, unlike the present invention, Haitsuka's approach does not teach and does not suggest ensuring privacy by uploading saved information containing a user identification code that relates to the end user's demographic information stored at a data processing system. This feature in the present invention provides end user privacy because the end user code itself contains no information related to the end user which could be tapped by attaching a network analyzer monitoring network transmissions. Claim 6 recites "wherein the information saved in said step (c) is stored under an end user's user identification code." Claim 11 requires the "monitored information is paired with end user's user identification code." Claim 15 requires "a second database for storing user identification information including a user identification code, said user identification code is used as a key to relate corresponding monitored information in the first user database with the user identification information." Claim 18 requires "the demographic information and the monitored information include an end user identification code for matching monitored information with demographic information." Claim 21 requires "comparing an end user identification code stored with the end user information with an end user identification code carried in the uploaded monitored information."

Robinson fails to cure the deficiencies of Haitsuka as a reference. Robinson addresses a system and apparatus for determining which advertisement to display to a particular on-line user. Robinson, col. 2, lines 9-17. To this end, Robinson's approach involves classifying users having similar interests into a "community" on the theory that people with similar interests would likely be interested in the same advertisements. Robinson, col. 2, lines 20-27. At col. 2, lines 48-57,
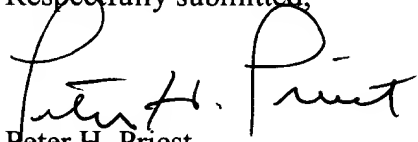
Robinson's disclosure suggests means of tracking user's activities such as the use of "cookies." Notwithstanding internet browser configuration options which affect the internet browser's general behavior with respect to cookies, the cookie model of programming involves a Web server fetching the information stored on the user's machine without providing the user the option to not release the cookie information. See the Understand Cookies section and the Usefulness of Cookies section of *Using Cookies* available at http://studio.tellme.com/vxml2/ovw/cookies.html#cookies_101. The remainder of the cited portion of Robinson does not teach and does not suggest "uploading upon selective operation by the end user from the end user's computer to the data processing computer" as claimed in claim 1. Similarly, see claim 10 which requires "said processor periodically requests the user at the expiration of a predefined time interval to select whether to upload the monitored information to a data processing computer through the Internet." See also claims 16 and 20 which require "said monitored information is received after selectable operation by an end user."

Haitsuka and Robinson cannot simply be combined to obtain the presently claimed invention. By way of example, if the teachings of Robinson were combined into Haitsuka as the Official Action suggests, the problem of decreasing user bandwidth caused by involuntary transmission of monitored information and unsolicited advertisements would still exist. Further, the problem of user privacy would still exist. Nothing in the cited references indicates recognition of these problems which are addressed by the present invention. Further, nothing in the cited references indicate a structure which would solve these problems addressed by the present invention. The claims of the present invention are not taught, are not inherent, and are not obvious in light of the art relied upon.

Conclusion

All of the presently pending claims define over the applied art. The present rejections should be withdrawn and the claims promptly allowed.

Respectfully submitted,

Peter H. Priest
Reg. No. 30,210
Priest & Goldstein, PLLC
5015 Southpark Drive, Suite 230
Durham, N.C. 27713-7736
(919) 806-1600